



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,089	02/01/2001	Pamela Boujra	67190/984046	3756
26646	7590	12/23/2005	EXAMINER KITOV, ZEEV	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			ART UNIT 2836	PAPER NUMBER

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/646,089
Filing Date: February 01, 2001
Appellant(s): BOUJRA ET AL.

MAILED

DEC 23 2005

GROUP 2800

Richard L. Mayer
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on September 29, 2005 appealing from the Office action mailed on January 25, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The real party in interest is Siemens Aktiengesellschaft, Wittelsbacherplatz 2, D-80333 Munchen, Federal Republic of Germany.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

Art Unit: 2836

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US 5,224,011	Yalla	07 - 1993
US 4,429,340	Howell	01 - 1984
US 5,852,643	Dvorak et al.	10 - 1998
US 5,038,246	Durivage	08 - 1991

(9) Grounds of Rejection

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 11, 13, 14, 20 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al. (5,224,011) in view of Howell (US 4,429,340). Regarding

Art Unit: 2836

Claims 19, 11 and 14, Yalla discloses most of the elements of the Claims including an electronic tripping device having an operating face (col. 3, lines 30 – 31), an adjusting circuit deriving an internal signal for the tripping device (elements 22 and 23 in Fig. 5), adjusting elements, which are key switches (elements 73a, 73b, 74, 75 and 76 in Fig. 1), and the LCD display element (element 41 in Fig. 5). The adjusting elements are used to set the tripping parameters, such as a tripping current (elements 50, 50N and 51VC in Fig. 17) and a time delay (elements 32 and 79 in Fig. 17). However, Yalla discloses a single display element rather than different display element for each of the parameters. Howell discloses the circuit breaker having plural displays (elements 64 and 66 in Fig. 1) visually displaying different tripping parameters of the system. Both references have the same problem solving area, namely providing protection in the power distribution systems. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla solution by adding LCD displays, one for each tripping parameters, according to Howell, because as well known in the art, providing simultaneously more detailed information to the operator of the system would be beneficial for his performance.

Regarding Claim 13, Howell discloses the bar displays (elements 64 and 66 in Fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by using the bar displays according to Howell, because it provides for a better visualization of the measured parameter and helps to get a visual information not only on an instant value of the measured parameter, but also on its current trend.

Regarding Claim 20, Yalla in view of Howell disclose the LCD elements configured to display the tripping parameters simultaneously relative to one another (see above). A motivation for modification of the primary reference is the same as above.

As to Claim 21, it differs from Claim 19 by its limitation of adjusting elements and display elements for one of the group of parameters including instantaneous tripping parameters. Yalla discloses setting the instantaneous tripping parameters (col. 23, lines 26 – 45, col. 27, lines 12 – 55). As to limitation of the LCD elements including a different respective element for each one of the tripping parameters, this issue was addressed above (see Claim 19 rejection).

Regarding Claim 22, Yalla in view of Howell disclose the LCD elements simultaneously displaying different tripping parameters (see above rejection of Claim 19).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al. in a view of Howell and Dvorak et al. (US 5,852,643). As was stated above, Yalla et al. and Howell disclose all the elements of Claim 19. Regarding Claim 12, they further disclose the switch selecting a desired entry (element 73a in Fig. 1), the switch providing calibration (element 76 in Fig. 1). However, they do not disclose the switch activating the display fields in an absence of auxiliary power. According to the AAPA, the Applicant used the Kent LCD display with “no power” feature, which can retain the latest information without power supply for practically unlimited amount of time. Dvorak

et al. disclose the switch activating the display fields in an absence of auxiliary power (element 52 in Fig. 1). When the power switch is in off position, the “no power” LCD display can retain the latest information without interference. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by adding the third switch according to Dvorak, because it will make possible to read the last readings of the device in the event of a power outage.

Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al in a view of Howell and Durivage (US 5,038,246). Regarding Claims 15 and 16, Yalla et al. in a view of Howell do not disclose a scale element. Durivage shows a scale (elements 332 – 335 in Fig. 3a, col. 6, lines 50 - 54) arranged next to the bar display (element 322 in Fig. 3a, col. 5, line 37 – col. 6, line 47). It is inherent in the concept of the bar display that the scaling displays have a visual identification next to the bar display to identify the quantities.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al. in view of Howell and Durivage and further in a view of Court Decision *In re Stevens*, 212 F.2d 197, 101 USPQ 284 (CCPA 1954). Regarding Claim 17, Durivage shows a scale but does not specify if the proper end of the bar indicating a value to be adjusted at the scale. The Court has held that the adjustability, where needed is not a patentable advance. Therefore, it would have been obvious to one of ordinary skill in the art at the

Art Unit: 2836

time the invention was made to have modified the Yalla et al. solution by adding the bar displays with adjustable heights, since it has been held that the provision of adjustability, where needed, involves only routine skill in the art.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yalla et al in view of Howell and Applicant Admitted Prior Art (AAPA). As was stated above, Yalla et al. disclose all the elements of the Claim 19. However, regarding Claim 18, they do not disclose the LCD elements permanently displaying information regardless whether the power supply is available or not. The Applicant Admitted Prior Art (page 5, lines 31 – 35 of Specification) discloses such LCD displays manufactured and sold by the Kent company. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Yalla et al. solution by replacing the LCD element by the permanent display LCD element from Kent, because it will make possible to read the last readings of the device in the event of a power outage.

(10) Response to Arguments

Rejection of Claims 11, 13, 14 and 19 – 22

Appellant argues Claims 11, 13, 14 and 19 – 22 altogether; the group includes two independent Claims 19 and 21.

All Appellant Arguments with respect to the Group of Claims 11, 13, 14 and 19 – 22 (page 6 lines 1 – 33, page 7, lines 1 – 6) are directed to the content of the displayed

information. However, independent Claim 19 relates to an apparatus for a circuit breaker having adjusting circuits for setting tripping parameters and display elements for displaying these parameters values. The display elements include an individual LCD element for each parameter. All other Claims dependent on Claim 19 (Claims 11, 13, 14) relate to the same apparatus; none of these Claims recite the content of the displayed information. Nonetheless, Appellant attacks Claim 19 on the basis of differences in the content of the displayed information (pages 5 – 7).

(I) Appellant alleges that the second reference, Howell, is not analogous to the claimed invention (page 6, lines 11 – 26). To support his allegations he recites some minor differences in the content of displayed information between the invention and Howell reference.

(a) This argument is not persuasive, because the argued feature of the displayed information, i.e. presentation of tripping parameters *per se* (col. 20, line 59 – col. 21, line 27, col. 23, line 26 – col. 24, line 16), is well presented in the first reference, Yalla. Appellant does not contend the fact that Yalla discloses all the elements of the claim 19, except individual displays for each parameter. Yalla reference discloses setting individual current and voltage parameters *per se*, (in their absolute form) and their corresponding delays (col. 20, line 59 – col. 21, line 27, col. 23, line 26 – col. 24, line 16). As for a second reference, Howell, it was cited only to demonstrate that providing individual displays for each of the multiple parameters is known in this technology. When the teachings of the first reference are combined with the teachings of the second reference, one of ordinary skill in the art would have displayed the data of the primary

reference using multiple displays. The first reference discloses the data recited in the claim. As to particular details of the second reference's data, they are irrelevant.

There is no requirement for each reference in an obviousness type rejection to teach each element of the claim. In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

(b) This argument is not persuasive, because the content of the displayed information, which Appellant argues, is not recited in any Claim in the group of Claims 11, 13, 14 and 19. In response to Appellant's argument that the references fail to show certain features of Appellant's invention, it is noted that the features upon which Appellant relies, i.e. presenting the displayed information as a percentage of the instantaneous current value to the transformer rating value (according to Specification), are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Although Specification provides examples of the way information is presented in the displays, it was not explicitly claimed. Nowhere the words that are used in the claims defined in the Specification to require these limitations. A reading of the Specification provides no evidence to indicate that these limitations must be imported into the claims

Art Unit: 2836

to give meaning to disputed terms. *Constant v. Advanced Micro-Devices Inc.*, 7 USPQ2d 1064.

In response to Appellant's Arguments that the second reference, Howell, does not include certain features of the Appellant's invention, the limitations on which the Appellant relies, i.e. the way of presenting displayed information, is not stated in any Claim in the group of Claims 11, 13, 14 and 19. It is the claims that define the claimed invention, and it is the claims, not specifications that are anticipated or unpatentable. *Ibid.*

(c) Additionally, the content of the displayed information relates not to apparatus but to a use of the apparatus (display), which does not further limit the apparatus itself.

(II) Appellant argues that the tripping parameters must be taught (page 6, lines 11 – 26) and Examiner agrees with this notion. The first reference, Yalla, discloses displaying and setting individual current and voltage parameters *per se*, (in their absolute form) and their corresponding delays (col. 20, line 59 – col. 21, line 27, col. 23, line 26 – col. 24, line 16).

(III) Appellant has failed to demonstrate that any of the used references is non-analogous art. A prior art reference is analogous if the reference is in the field of applicant's endeavor or, if not, the reference is reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). In current case, both the first and the second

Art Unit: 2836

references are pertinent to the problem with which inventor is concerned, i.e. display of the current related parameters in the power protection equipment.

(IV) Appellant has attempted to show that the Howell is a teaching away reference.

For that purpose he has tried to demonstrate the alleged differences in a content of the displayed information between the Howell and the Application. He further alleged that the Howell (second reference) way of presenting the displayed information provides a diagnostic function rather than tripping settings *per se* and therefore “unrelated to claimed invention, which allegedly, allows maintenance personnel to easily determine (and set) the tripping parameters of the circuit breaker” (page 6, lines 2 – 8, 9 – 13).

Regarding this allegation, the Examiner would like to remind the fact that in claimed invention, the parameters are not presented *per se* either; they are presented not in the absolute form but as “percentage of the rated transformer current (see “display 2a” in table on page 8) or the characteristic numeral of a multiple of I_n ”, which is rated transformed current (see “display 4a” in table on page 8). As a matter of fact, none of the displayed parameters of current is presented in absolute form (Table on page 8).

The second reference, Howell, discloses presenting information in a form of percentage of the current pickup value (col. 5, lines 22 – 26). Both ways of presenting information are indirect. However, Howell is aware of the way of presenting information *per se*, i.e. in the absolute form. He states: “This approach, rather than indicating current magnitude in absolute values, conveniently accommodates the fact that the long-term pickup circuit is adjustable to a multiplicity of pickup settings” (col. 5, lines 22 – 26).

Appellant’s allegation that the Howell functions of the bargraphs are unrelated to his

Art Unit: 2836

invention (page 6, lines 8 – 12) are baseless. With regard to Claims 21 and 22, Howell discloses both the adjusting elements (col. 3, lines 24 – 43) and the display elements (col. 4, line 54 – col. 5, line 25). It further emphasizes the advantages of multi display system by saying: “bargraph displays (plural displays) are preferred for their ease of immediate interpretation and because observers readily understand such displays” (col. 6, lines 58 – 60). Therefore, Appellant’s attempts to demonstrate that the Howell is teaching away reference is non-convincing.

(V) Applicant has failed to demonstrate any new or unexpected results of the claimed invention. Alleged advantage of replacement of one common display by plural displays, one per observed parameter, with its easiness of reading the information, does not rise to the level of the unexpected results, especially since the Howell reference demonstrates existence of plural displays (elements 64 and 66 in Fig. 1) used in the same environment.

As to allegation that [the combination of the Yalla and Howell patents] “fail to provide advantages associated with the present invention” (page 6, lines 1 – 3), it is wrong, since the system advantage recited in the Claim 19, such as “different respective LCD element for each of the tripping parameters to be adjusted” is disclosed by Howell (elements 64 and 66 in Fig. 1). Presence of individual display for each displayed parameter in Howell reference provides an advantage “of an easily readable LCD display”.

Rejection of Claims 21 – 22.

Appellant attacks the Claims 21 and 22 rejections alleging that the Howard reference does not reflect some features of the displayed information and provides a diagnostic function, which according to him, is different from function “that allow maintenance personnel to easily determine (and set) the tripping parameters of the circuit breaker” (page 6, lines 10 – 12). However, rejection of Claims 21 and 22 is based primarily not on Howard reference, as Appellant suggests, but on Yalla reference (see Claims 21, 22 rejection). As was stated in the Office Action, the primary reference, Yalla, discloses setting individual current and voltage parameters *per se*, (in their absolute form) and their corresponding delays (col. 20, line 59 – col. 21, line 27, col. 23, line 26 – col. 24, line 16). As for secondary reference, Howell, it was used only to demonstrate that use of the individual displays, one per parameter, is known. There is no requirement for each reference in the obviousness type rejection to teach each element of the claim. In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

All Claims in the group of 11, 13, 14 and 19 – 22, including 21 and 22, address the apparatus. As to Claims 21 limitations regarding displayed information, they represent a use of the apparatus. A claim containing a “recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus” if the prior art apparatus teaches all

Art Unit: 2836

the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987). And “the manner or method in which such machine is to be utilized is not germane to the issue of patentability of the machine itself.” *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967).

As to Claim 21 limitations of presence of the “adjusting elements and display elements for at least one of the following tripping parameters groups: i) long-time tripping parameter group, (ii) instantaneous tripping parameter group; iii) short-time-delay tripping parameter group, and ground-fault tripping parameter group”, they are disclosed as the adjusting and display elements of Yalla (73a, 73b, 74, 75 and 76 in Fig. 1) and 41 in Fig. 5) recited in the Office Action. These elements are absolutely sufficient to perform the recited above functions, i.e. adjusting and displaying the recited parameters. Therefore, Appellant’s attempt to invalidate the second reference, Howell, on the basis that it displays the information in the form slightly different from the Appellant Specification is baseless.

Appellant attacks a motivation for combining the references alleging: “In light of these differences between the teachings of the Howell patent and the present invention, there is no suggestion to the desirability of the combination of the Yalla and Howell patents to arrive at the subject matter of the claimed invention” (page 6, lines 14 – 16). To support his statement, the Appellant further alleges: “the Howell reference does not disclose displaying the tripping parameters themselves, but only relationship between real time current/elapsed time values versus preset tripping parameters”. However, the mentioned differences are not structural differences in the apparatus but a minor

difference regarding the apparatus use, i.e. presenting the displayed information as a percentage of the tripping value (as Howell does) or as a percentage of the transformer rating current (as Appellant suggests). As to the differences: (I) these differences are not stated in the Claims, and (II) they do not affect the apparatus structure. As to mentioned above Appellant criticism of Howell (page 6, lines 14 – 16), it should be noted that the Appellant's Specification "does not disclose displaying the tripping parameters themselves" either, but only relationship between a real time current values and a transformer current rating (lines 1 – 6 in Table on page 8).

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the primary reference, Yalla, discloses all limitations of the Claim19, except a different respective LCD element for each of the tripping parameters. Howell discloses the different LCD element for each of the tripping parameters (elements 64 and 66 in Fig. 1). It is the knowledge generally available to one of ordinary skill in the art that using dedicated displays, one per tripping parameter, rather than one common display for all tripping parameters, would provide faster and more detailed information to the operator of the system and would be beneficial for his performance. However, its disadvantage is the

Art Unit: 2836

cost of parts and substantial size of the front panel of the equipment. It is up to designer to select an appropriate solution according to his design requirements and his design limitations.

“There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.” *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457- 58 (Fed. Cir. 1998). And “The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art.” *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000).

In current case, (I) the Howell reference demonstrates existence of the display systems with one display per displayed parameter; (II) Appellant disclosure is not necessary for one of ordinary skill in the art to appreciate the advantage of the system with one display per displayed parameter; (III) the motivation is properly formulated in the Claim 19 rejection, i.e. providing simultaneously more detailed information to the operator of the system would be beneficial for his performance.

As to Appellant conclusion that “there is no teaching or suggestion to *display a plurality of tripping parameters in an easily readable and permanent manner*”, the permanent manner of the display is not recited in any Claim in the group of Claims 11, 13, 14, 19 and 21, 22. Claim 18 is pertinent to this limitation and a permanent manner of the display is addressed under headline “Rejection of claim 18”.

As to display a plurality of tripping parameters in an easily readable manner, the Howell discloses the display of information in easily readable manner. The Howell reference provides an individual display for each parameter (elements 64 and 66 in Fig. 1) thus satisfying the Claims limitations of providing the information in easily readable manner.

Appellant further alleges that the Howell (second reference) way of presenting the displayed information provides a diagnostic function rather than tripping settings *per se* and therefore “unrelated to claimed invention, which allegedly, allows maintenance personnel to easily determine (and set) the tripping parameters of the circuit breaker” (page 6, lines 2 – 8, 9 – 13). Regarding this allegation, the Examiner would like to remind the fact that in claimed invention, the parameters are not presented *per se* either; they are presented not in the absolute form but as “percentage of the rated transformer current (see “display 2a” in table on page 8) or the characteristic numeral of a multiple of I_n ”, which is rated transformed current (see “display 4a” in table on page 8). The second reference, Howell, discloses presenting information in a form of percentage of the current pickup value. Both ways of presenting information are indirect. However, Howell is aware of the way of presenting information *per se*, i.e. in absolute form. He states: “This approach, rather than indicating current magnitude in absolute values, conveniently accommodates the fact that the long-term pickup circuit is adjustable to a multiplicity of pickup settings” (col. 5, lines 22 – 26). Appellant’s allegation that the Howell functions of the bargraphs are unrelated to his invention (page 6, lines 8 – 12) are baseless. With regard to Claims 21 and 22, Howell discloses both

Art Unit: 2836

the adjusting elements (col. 3, lines 24 – 43) and the display elements (col. 4, line 54 – col. 5, line 25). It further emphasizes the advantages of multi display system by saying: “bargraph displays (plural displays) are preferred for their ease of immediate interpretation and because observers readily understand such displays” (col. 6, lines 58 – 60).

Appellant alleges: “In light of these manifest differences between the teachings of the Howell patent and the present invention, there is no suggestion as to desirability of the combination of the Yalla and Howell patents” (page 6, lines 27 – 30). The alleged “manifest differences” have been addressed above. Both Claims 19 and 21 have proper formulated motivational statement. A common feature between two references is a display technology, not details of displayed data. Since the unclaimed minor difference in the displayed information is irrelevant, Appellant has failed to demonstrate that the secondary reference (Howell) is non-analogous art.

Rejection of Claim 12

Appellant attacks Claim 12 rejection on the basis that the Dvorak reference used in Claim 12 rejection “does not teach or suggest a plurality of display elements for each of the tripping parameters”. However, a plurality of display elements for each of the tripping parameters is disclosed by Howell reference in the rejection of independent Claim 19 on which claim 12 is dependent. Actually criticism of Claim 12 rejection is nothing but demand for every reference in the obviousness type rejection to disclose all the features of the claim. There is no requirement for all references to teach each

Art Unit: 2836

element of the claim. In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Rejection of Claims 15 and 16

Appellant attacks the rejection of Claims 15 and 16 on the basis that Durivage reference does not disclose "tripping parameters *per se*". However, the displaying tripping parameters *per se* is disclosed by Yalla and Howell and is addressed in the response to Arguments regarding rejection of Claim 19, which Claims 15 and 16 are dependent on. Presented Criticism of Claim 12 rejection is nothing but demand for every reference in the obviousness type rejection to disclose all the features of the claim. There is no requirement for all references to teach each element of the claim. In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Rejection of Claim 17

As per Claim 17, it adds a limitation of the measured parameters being represented by the upper end of the display bars indicating a value to be adjusted.

These limitations actually present nothing but a use of apparatus, which does not limit the apparatus itself. The Claim is interpreted as requiring the bar display to indicate an adjustable value. Howell discloses the bar display (elements 64 and 66 in Fig. 1) indicating the adjustable values (col. 5, lines 10 – 40). As to *In re Stevens*, it is used not as a reference but as a part of a motivational statement.

Rejection of Claim 18

As to Rejection of claim 18, the Appellant has nothing to add but to repeat, “LCD element *per se* does not cure the deficiencies of the Yalla and Howell patents discussed above”, which was addressed above. In other words, the Appellant has failed to demonstrate impropriety of the Claim 18 rejection. Instead, Appellant attacks Claim 18 motivation by saying (page 6, lines 21 – 23): “therefore, no teaching or suggestion *to display a plurality of tripping parameters in an easily readable and permanent manner*” (emphasis added). However, the Claim 18 rejection recites a proper reference (Appellant Admitted Prior Art) disclosing the display of the tripping parameters in the easily readable and permanent manner reciting the LCD displays manufactured and sold by Kent Company and providing a proper motivation for that.

(11) Related Proceeding(s) Appendix

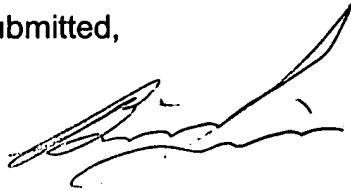
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

Art Unit: 2836

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Brian Sircus



Zeev Kitov



Conferees: Darren Schuberg



BRIAN SIRCUS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800